

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB289**

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**Hearing Date:** Tuesday February 15, 2011  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Mello  
**One Liner:** Authorize the operation on public highways of low-speed vehicles as prescribed

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Louden, Price  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**  
Senator Heath Mello  
Bill Moore  
Joe Masek  
Laura Goss

**Representing:**  
Introducer  
EV World.com  
Masek Golf Car Company  
Masek Golf Car Company

**Opponents:**

**Representing:**

**Neutral:**  
Bob Hallstrom  
Loy Todd

**Representing:**  
Nebraska Bankers Association  
Nebraska New Car & Truck Dealers Association

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**Summary of purpose and/or changes:**

LB 289 authorizes the operation of low-speed vehicles on highways with a 35 mph speed limit or lower.

Many of the bill's changes are for clarification and harmonizing purposes. The main substantive changes include:

Section 1 amends Sec. 23-187 to give ordinance authority for counties to regulate low-speed vehicles (LSV's).

Section 6 amends Sec. 60-119.01 so that the current definition of LSV in the Certificate of Title Act coincides with the federal definition.

Section 8 amends Sec. 60-137 to require low-speed vehicles sold after January 1, 2012 to have a certificate of title. LSV's sold before that date may obtain a title through DMV regulations.

Section 9 outlines the process for obtaining a certificate of title for a LSV that does not have a vehicle identification number (VIN).

Section 12 amends Sec. 60-306 to move the definition of "alternative fuel" from Sec. 66-686. Section 36 of the bill

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outright repeals this section.

Section 13 provides a new definition of "person" in the MV Registration Act.

Section 14 amends Sec. 60-336.01 so that the current definition of low-speed vehicle in the Registration Act coincides with the federal definition.

Section 15 amends Sec. 60-339 so that a LSV is included within the definition of "motor vehicle" in the Registration Act. This will make the LSV operator subject to the motor vehicle registration requirements in the Act.

Section 16 provides the registration fee for a LSV shall be \$15.00.

Section 17 amends Sec. 60-386 to remove the requirement for the county treasurer to notify the Department of Revenue of an alternative fuel vehicle registration. The alternative fuel fee would be collected by the county treasurer or DMV.

Section 25 creates a new alternative fuel fee of \$75 for an alternative fuel vehicle (i.e. electric powered).

Section 26 amends Sec. 60-471 so that a LSV is included within the definition of "motor vehicle" in the Operator's License Act. This will make the LSV operator subject to the driver license requirements in the Act.

Section 27 amends Sec. 60-501 so that a LSV is included within the definition of "motor vehicle" in the Motor Vehicle Safety Responsibility Act. This will make the LSV subject to insurance requirements in the Act.

Section 30 creates a new definition of LSV within the Rules of the Road. The definition coincides with the federal definition.

Section 31 authorizes the operation of a LSV on any highway of 35 m.p.h. or less. A local government or the Department of Roads may restrict the LSV even further if necessary for public safety.

The LSV operator must have a valid Class O license and have liability insurance coverage on the vehicle.

Section 34 provides an operative date for the bill of January 1, 2012.

Section 36 outright repeals the Alternative Fuel Tax Act. The necessary permit for an alternative fuel vehicle was administered by the Department of Revenue under this Act.

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### **Explanation of amendments:**

The committee amendment, AM 416, makes several changes to the original bill:

Sections 7, 14, 28, and 36 are amended to clarify that off-road vehicles are still exempt from the definition of motor vehicle within their respective articles of Chapter 60. LSV's and minitrucks would be authorized under law to operate on the highway, and thus would still be considered a "motor vehicle" under the amendment's language.

Section 10 amends Sec. 60-165 to outline the process for a lienholder to obtain a certificate of title for a LSV in the case where an owner fails to obtain a title.

Section 21 amends Sec. 60-398 to require license plates on a LSV and outline the necessary dimensions of the plates.

Section 24 amends Sec. 60-3,187 to provide a base fee of \$50 for the Motor Vehicle Tax on a LSV.

Section 25 amends Sec. 60-3,190 to provide a base fee of \$10 for the Motor Vehicle Fee on a LSV.

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Deb Fischer, Chairperson